

Federal Communications Commission

DA 05-2660

OCT 13 12 00 AM '05

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Rule, Texas)

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MM Docket No. 01-219  
RM-10238

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: October 4, 2005

Released: October 6, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. In response to a petition filed by Jeraldine Anderson ("Petitioner"), the Commission has before it for consideration the *Notice of Proposed Rulemaking*,<sup>1</sup> requesting the allotment of Channel 253A at Rule, Texas, as the community's second local FM transmission service. Petitioner filed comments supporting the allotment of Channel 253A at Rule, Texas.

2. Fuchs Radio, Inc. ("Fuchs"), licensee of FM Station KTIJ, filed reply comments. Fuchs pointed out an error in the licensed coordinates shown in the Commission's FM database for FM Station KTIJ, Channel 253C, Elk City, Oklahoma. During this proceeding, a counterproposal was pending in MM Docket No. 01-293, proposing to substitute Channel 295C1 for Channel 253C at Elk City, Oklahoma, and to modify the license of FM Station KTIJ accordingly. In that proceeding, Fuchs, the licensee of FM Station KTIJ, consented to the proposed downgrade and channel substitution, which were subsequently adopted.<sup>2</sup> Channel 253C at Elk City thus has been replaced with Channel 295C1, and Petitioner's proposal would not be short-spaced to the facilities of FM Station KTIJ.

3. We find that the public interest would be served by allotting Channel 253A to Rule, Texas. Rule is a community for allotment purposes, deserving of a second local FM transmission service. Channel 253A can be allotted to Rule in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 3.2 kilometers (2.0 miles) southwest of Rule at 33-10-17 NL and 99-55-24 WL.

4. A filing window for Channel 253A at Rule, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

<sup>1</sup> *Hollis, Oklahoma, Mangum, Oklahoma, Rule, Texas, and Santa Anna, Texas*, 16 FCC Rcd 15,995 (MM 2001).

<sup>2</sup> *Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma*, 19 FCC Rcd 5347 (MB 2004).

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. §801 (a)(1)(A).

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 21, 2005, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Rule, Texas	239C2, 253A

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-2180. Questions related to the application filing process for Channel 253A at Rule, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
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Audio Division  
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